

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KURTIS E. ARMANN, )  
Petitioner, ) Civil Action No. 04-118(E)  
v. )  
WARDEN, FCI McKEAN, ) Judge Sean J. McLaughlin  
Respondent. ) Magistrate Judge Susan Paradise Baxter  
 )  
 ) filed electronically

**MOTION FOR ENLARGEMENT OF TIME TO FILE REPLY**

AND NOW, comes Respondent Helen J. Marberry,<sup>1</sup> Warden, FCI McKean ("Respondent") by her attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Christy Wiegand, Assistant United States Attorney for said district, and respectfully requests this Honorable Court to enter an Order enlarging the time in which to file a Reply to Petitioner's *Response to Respondent's Notice of Appeal* filed in this matter for the following reasons:

1. On September 29, 2006, Respondent filed a Notice of Appeal of Magistrate Judge Baxter's Order of September 15, 2006, granting Petitioner's motion for an evidentiary hearing.
2. On October 31, 2006, Respondent was served with Petitioner's Response to the Notice of Appeal.
3. Pursuant to the Court's practice, Respondent construes the due date, without enlargement, for any reply as November 20, 2006.

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<sup>1</sup>Helen J. Marberry has replaced James Sherman as Warden of FCI McKean, and pursuant to Fed.R.Civ.P. 25(d)(1), is automatically substituted for Mr. Sherman as Respondent in this matter.

4. Counsel for Respondent will be out of the state from November 17, 2006 through November 26, 2006.

5. Respondent respectfully requests an enlargement of time of an additional ten (10) days, or until December 5, 2006, within which to file a Reply to Petitioner's Response.

CONCLUSION

WHEREFORE, for the foregoing reasons, Respondent respectfully requests that this Honorable Court enter an Order enlarging the time for filing a Reply to Petitioner's Response to Respondent's Notice of Appeal an additional ten (10) days, or until December 5, 2006.

Respectfully submitted,

MARY BETH BUCHANAN  
United States Attorney

s/ Christy Wiegand  
CHRISTY WIEGAND  
Assistant U.S. Attorney  
U.S. Courthouse  
and Post Office  
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Counsel for the Respondent

**CERTIFICATE OF SERVICE**

I hereby certify that I have served this date a copy of the within *Motion for Enlargement of Time to File Reply*, by mail or electronic filing, upon the following:

Thomas W. Patton  
Federal Public Defender's Office  
1001 State Street  
1111 Renaissance Cetnre  
Erie, PA 16501

s/ Christy Wiegand  
CHRISTY WIEGAND  
Assistant United States Attorney

Date: November 14, 2006